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QUESTION OF EAST TIMOR

Letter dated 12 July 1994 from the Permanent Representative of Indonesia to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a note verbale from the Permanent Mission of the Republic of Indonesia to the United Nations, dated 12 July 1994 (see annex), in response to the note verbale dated 20 June 1994 from the Permanent Mission of Portugal to the United Nations concerning East Timor (A/49/184).

I should be grateful if you would have the text of the present letter and its annex circulated as an official document of the General Assembly.

(Signed) Nugroho WISNUMURTI
Ambassador
Permanent Representative of Indonesia
to the United Nations

* A/49/50/Rev.1.

ANNEX

Note verbale dated 12 July 1994 from the Permanent Mission of Indonesia to the United Nations addressed to the Secretary-General

The Permanent Mission of the Republic of Indonesia to the United Nations presents its compliments to the Secretary-General of the United Nations and with reference to the note verbale dated 21 June 1994 from the Permanent Mission of Portugal to the United Nations (A/49/184), has the honour to state the following:

1. The Government of Portugal in its note verbale once again deems it appropriate and proper to claim itself as the administering Power of East Timor. It should be recalled that the process of peaceful decolonization came to an abrupt halt when the colonial administration abandoned the Territory in August 1975, leading to civil strife and bloodshed. Portugal at that time expressed its inability to administer East Timor under those circumstances, as was evident from the letter dated 28 November 1975 in which the Chargé d'affaires, a.i. of the Permanent Mission of Portugal to the United Nations stated that the Portuguese authorities did not have the necessary means to normalize the situation (S/11887). In so doing, Portugal in effect relinquished its responsibility as the administering Power. Based on the foregoing, it is absurd for Portugal to claim that status in complete contradiction to the prevailing realities.

2. Furthermore, notwithstanding the fact that Portugal can no longer claim itself to be the administering Power of East Timor, it should be noted that Portugal has increasingly used or misused the opportunity under Article 73 e of the Charter of the United Nations to launch a series of baseless accusations instead of providing "statistical and other information of a technical nature relating to economic, social and educational conditions" in East Timor as called for by the provision of that article.

3. To state that there is no significant improvement in the situation prevailing in East Timor is utterly contrary to reality. In implementing the agreement of 17 September 1993 on confidence-building measures, the Indonesian Government has taken concrete steps, inter alia:

(a) The East Timor Military Operation Command (a special command structure under the command of a Brigadier General) has been dissolved and replaced by a regular District Command as in any other province of Indonesia with a Colonel as its commander;

(b) In October 1993, two battalions were withdrawn from the province as part of an overall reduction of military forces in East Timor to be executed in stages eventually to become only two battalions. Among the remaining eight battalions, seven are territorial battalions assigned for civic missions;

(c) The Government of Indonesia has granted permission to 59 East Timorese to leave for Portugal in an expanded family reunion programme. Of these, 37

left Jakarta on 28 September and 26 October 1993, while 7 persons (all belonging to one family) were processed administratively for immediate departure. Fifteen of those granted permission have decided to stay for personal reasons;

(d) On humanitarian considerations, the Government of Indonesia also allowed seven East Timorese youth, who earlier tried to seek asylum at foreign embassies in Jakarta, to leave for Portugal on 29 December 1993;

(e) The Government has also approved requests from a number of East Timorese currently residing in Portugal and Angola to return and to settle in East Timor;

(f) On the question of persons unaccounted for after the incident of 12 November 1991, the Government of Indonesia continues to search for the missing persons, while recognizing that there are indications that some of them might have gone into hiding after the incident or fled the country. As at 17 September 1993, it was conveyed to the Secretary-General that there remained only 57 persons unaccounted for. The Minister for Foreign Affairs of Indonesia further communicated to the Secretary-General on 29 November 1993 that one Antony Lay, also known as Tonie, previously listed as unaccounted for, reported to the authorities in East Timor, bringing down the number of those unaccounted for to 56;

(g) A more conducive atmosphere for the promotion and protection of human rights throughout Indonesia has been promoted by the establishment of the National Commission on Human Rights on 7 June 1993, chaired by Mr. Ali Said, former Chief Justice, and by the subsequent completion of the appointment of its members by the end of 1993. Its membership comprises 25 prominent figures, including Mr. Clementino dos Reis Amaral, an East Timorese. The Commission, an independent body, is mandated, inter alia, to monitor and investigate violations of human rights;

(h) Earlier misunderstandings and miscommunications with the International Committee of the Red Cross (ICRC) were ironed out in September 1993. ICRC henceforth resumed its visits and protective functions. It regularly visits East Timorese prisoners both inside and outside the province (Kupang and Jakarta), including Xanana Gusmão. These ICRC activities serve as a guarantee that the Indonesian Government treats those prisoners humanely, in accordance with the agreement on confidence-building measures of 17 September 1993 and 6 May 1994 as well as the statement by the Chairman of Commission on Human Rights of 9 March 1994;

(i) The Chairman of a newly established Portugal-Indonesia Friendship Association (PIFA), General (Ret.) Carlos Galvao de Melo, visited Indonesia, including East Timor, from 4 to 21 January 1994;

(j) A group of nine foreign correspondents/media representatives visited East Timor from 15 to 18 February 1994. This visit was followed by the visit of 25 foreign journalists representing 16 print and electronic media organizations from various countries during 12 to 15 April 1994. Most of the reports coming from these visits acknowledged positive developments in East Timor;

(k) In line with the "London spirit of reconciliation", resulting from a meeting between the representatives of East Timorese in Indonesia and representatives of East Timorese now living in exile in Portugal, held on their own initiative in London from 14 to 16 December 1993, 24 East Timorese residing in Portugal visited East Timor and other parts of Indonesia for almost one month, starting on 17 March 1994. Prior to that visit Dr. Manuel Tilman, an East Timorese lawyer from Macao who is also an activist of the "International Platform of Jurists for East Timor", visited the province after an absence of 27 years. Furthermore, two East Timorese representatives from Portugal, Pastor Gusmão and Mr. Jose Belo, have also visited Indonesia. They met Xanana Gusmão at the Cipinang Prison in Jakarta on 30 April and toured East Timor for a few days. In East Timor they met with the Governor, the military commander and Bishop Belo;

(l) In May 1994, some 47 East Timorese from Indonesia made a religious visit to Fatima, Portugal.

4. Despite blatant attempts by Portugal to portray a biased view and to undermine Indonesia's serious and concerted efforts in improving the human rights situation in East Timor, the Commission of Human Rights at its 1994 session adopted by consensus the Chairman's statement which confirmed the overall improvements of the situation in the province. The Commission, inter alia, recognized the positive measures taken by the Indonesian Government to improve the situation; acknowledged the efforts of Indonesia to account for persons missing since the incident of 12 November 1991; welcomed the cooperation existing between ICRC and the Indonesian Government; was encouraged by the greater access to the province by human rights and humanitarian organizations as well as the international media; and welcomed the undertakings by the Indonesian Government to invite the Special Rapporteur on extrajudicial, summary and arbitrary executions to visit East Timor.

5. The Secretary-General, in his statement following the dialogue between the Ministers for Foreign Affairs of Indonesia and Portugal on 6 May 1994, further confirmed the serious efforts and concrete steps taken by Indonesia. The statement, among other things, welcomed the positive atmosphere in which the talks were held; encouraged by the increased access to East Timor, including visits by East Timorese living abroad; recorded the concurrence of both the Ministers for Foreign Affairs on the need to ensure that those East Timorese in custody are treated humanely; welcomed the invitation to the Special Rapporteur to visit East Timor (the visit is currently under way); and believed that the dialogue among East Timorese should be encouraged.

6. In view of the foregoing, the Permanent Mission of the Republic of Indonesia takes the categorical view that Portugal's note verbale neither corresponds to the prevailing realities in East Timor nor reflects the wishes and aspirations of the majority of the East Timorese people. It is also incompatible with the letter and spirit of the agreements on confidence-building measures reached upon by the Ministers for Foreign Affairs of Indonesia and Portugal during their meetings of 17 September 1993 and 6 May 1994. This latest effort by Portugal is contrary to the commitments undertaken on 6 May 1994 in which, inter alia, it agreed to continue to exercise restraint on the so-called

issue of East Timor in the interests of maintaining a favourable atmosphere for further progress towards a comprehensive settlement of the question.

The Permanent Mission of the Republic of Indonesia to the United Nations has the honour to request that this note verbale be circulated as an official document of the United Nations General Assembly.